

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

HRD CORPORATION, §  
§  
Plaintiff, §  
§  
v. § CIVIL ACTION NO. H-06-0730  
§  
LUX INTERNATIONAL CORP., §  
§  
Defendant. §

**ORDER**

In Lux International Corp.'s June 22, 2007 reply to HRD Corporation's response to the summary judgment motion, Lux presented additional evidence to support its motion. (Docket Entry No. 32). HRD is entitled an opportunity to respond to this new evidence. "Although we have not comprehensively identified all the circumstances under which a district court may rely on arguments and evidence presented for the first time in a reply brief, we have stated that 'Rule 56(c) merely requires the court to give the non-movant an adequate opportunity to respond prior to a ruling.'" *Vais Arms, Inc. v. Vais*, 383 F.3d 287, 292 (5th Cir. 2004). HRD may file a surreply, limited to the evidence and arguments in Lux's June 22, 2007 reply, no later than July 13, 2007.

SIGNED on June 25, 2007, at Houston, Texas.



Lee H. Rosenthal  
United States District Judge

